



General Assembly

February Session, 2006

**Bill No. 55**

LCO No. 672

\* SB00055JUD\_\_032706\_\_ \*

Referred to Committee on Judiciary

Introduced by:

SEN. DELUCA, 32<sup>nd</sup> Dist.

REP. WARD, 86<sup>th</sup> Dist.

***AN ACT CONCERNING IDENTITY THEFT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 53a-129a of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July*  
3 *1, 2006*):

4 (a) A person commits identity theft when such person [intentionally  
5 obtains personal identifying information of another person without the  
6 authorization of such other person and] knowingly uses [that] personal  
7 identifying information of another person to obtain or attempt to  
8 obtain, money, credit, goods, services, property or medical information  
9 in the name of such other person without the consent of such other  
10 person.

11 Sec. 2. Section 53a-130 of the general statutes is repealed and the  
12 following is substituted in lieu thereof (*Effective July 1, 2006*):

13 (a) A person is guilty of criminal impersonation when [he] such

14 person: (1) Impersonates another and does an act in such assumed  
15 character with intent to obtain a benefit or to injure or defraud another;  
16 [or] (2) pretends to be a representative of some person or organization  
17 and does an act in such pretended capacity with intent to obtain a  
18 benefit or to injure or defraud another; or (3) pretends to be a public  
19 servant other than a sworn member of an organized local police  
20 department or the Division of State Police within the Department of  
21 Public Safety, or wears or displays without authority any uniform,  
22 badge or shield by which such public servant is lawfully  
23 distinguished, with intent to induce another to submit to such  
24 pretended official authority or otherwise to act in reliance upon that  
25 pretense.

26 (b) Criminal impersonation is a class [B] A misdemeanor.

27 Sec. 3. Section 54-93a of the general statutes is repealed and the  
28 following is substituted in lieu thereof (*Effective July 1, 2006*):

29 Whenever a person is convicted of a violation of section 53a-129a of  
30 the general statutes, revision of 1958, revised to January 1, 2003, or  
31 section 53a-129b, 53a-129c or 53a-129d, the court [may] shall issue such  
32 orders as are necessary to correct a public record that contains false  
33 information as a result of such violation.

34 Sec. 4. Subsection (c) of section 54-1d of the 2006 supplement to the  
35 general statutes is repealed and the following is substituted in lieu  
36 thereof (*Effective July 1, 2006*):

37 (c) Any defendant who is charged with a violation of section 53a-  
38 129a of the general statutes, revision of 1958, revised to January 1, 2003,  
39 or section 53a-129b, 53a-129c or 53a-129d and any defendant who is  
40 charged with any other offense committed as a result of such violation  
41 may be presented to the court in the judicial district or geographical  
42 area in which the person whose personal identifying information has  
43 been [obtained and] used by the defendant resides and may be  
44 prosecuted in such judicial district or geographical area.

45 Sec. 5. Subsection (a) of section 54-36h of the general statutes is  
46 repealed and the following is substituted in lieu thereof (*Effective July*  
47 *1, 2006*):

48 (a) The following property shall be subject to forfeiture to the state  
49 pursuant to subsection (b) of this section:

50 (1) All moneys used, or intended for use, in the procurement,  
51 manufacture, compounding, processing, delivery or distribution of any  
52 controlled substance, as defined in subdivision (9) of section 21a-240;

53 (2) All property constituting the proceeds obtained, directly or  
54 indirectly, from any sale or exchange of any such controlled substance  
55 in violation of section 21a-277 or 21a-278, as amended;

56 (3) All property derived from the proceeds obtained, directly or  
57 indirectly, from any sale or exchange for pecuniary gain of any such  
58 controlled substance in violation of section 21a-277 or 21a-278, as  
59 amended;

60 (4) All property used or intended for use, in any manner or part, to  
61 commit or facilitate the commission of a violation for pecuniary gain of  
62 section 21a-277 or 21a-278, as amended;

63 (5) All property constituting, or derived from, the proceeds  
64 obtained, directly or indirectly, by a corporation as a result of a  
65 violation of section 53a-276, 53a-277 or 53a-278; and

66 (6) All property derived from the proceeds obtained, directly or  
67 indirectly, from a violation of section 53a-129a of the general statutes,  
68 revision of 1958, revised to January 1, 2003, or section 53a-129b, 53a-  
69 129c or 53a-129d, and any other offense committed as a result of such  
70 violation.

71 Sec. 6. (NEW) (*Effective July 1, 2006*) (a) A person is guilty of  
72 possession of identity theft paraphernalia when such person possesses  
73 any access device, document-making equipment and authentication

74 implements for the purpose of obtaining personal identifying  
75 information of another person to obtain, or attempt to obtain, money,  
76 credit, goods, services, property or medical information in the name of  
77 such other person without the consent of such other person.

78 (b) For purposes of this section, "access device" means any card,  
79 plate, code, account number, mobile identification number, personal  
80 identification number, telecommunication service access equipment,  
81 card-reading device, scanning device, re-encoder or any other means  
82 that could be used to obtain the financial information, personal  
83 identifying information or benefits of another person.

84 (c) Possession of identity theft paraphernalia is a class A  
85 misdemeanor.

86 Sec. 7. (NEW) (*Effective July 1, 2006*) (a) A person is guilty of  
87 facilitation of identity theft when such person assists another person in  
88 obtaining any license, registration, certificate or other personal  
89 identification document with the knowledge that such other person is  
90 not entitled to it.

91 (b) The provisions of subsection (a) of this section shall not apply if  
92 the sole purpose of obtaining such license, registration, certificate or  
93 other personal identification document is to obtain goods or services  
94 unavailable to such other person because of such other person's age.

95 (c) Facilitation of identity theft is a class A misdemeanor.

96 Sec. 8. (NEW) (*Effective July 1, 2006*) Any person found guilty of any  
97 violation of section 53a-129a of the general statutes, revision of 1958,  
98 revised to January 1, 2003, or section 53a-129b, 53a-129c or 53a-129d of  
99 the general statutes and any other offense committed as a result of  
100 such violation, shall make restitution for the full amount of financial  
101 loss suffered by the victim of such violation or violations including,  
102 but not limited to, documented lost wages and a reasonable attorney's  
103 fee necessary to remedy such violation or violations.

104 Sec. 9. (NEW) (*Effective July 1, 2006*) (a) Any person, as defined in  
 105 section 12-1 of the general statutes, in possession of personal  
 106 identifying information shall make reasonable efforts to protect such  
 107 information from misuse including, but not limited to, destroying or  
 108 otherwise making unreadable any document, computer file, database  
 109 or any other record of such information prior to disposal.

110 (b) A violation of the provisions of this section shall be deemed to be  
 111 an unfair trade practice within the provisions of chapter 735a of the  
 112 general statutes.

113 Sec. 10. (NEW) (*Effective July 1, 2006*) Any alteration to a lawfully  
 114 issued license, registration, certificate or other personal identification  
 115 document shall render such license, registration, certificate or other  
 116 personal identification document void.

117 Sec. 11. (NEW) (*Effective July 1, 2006*) (a) A person is guilty of  
 118 personal identification fraud when such person alters a lawfully issued  
 119 license, registration, certificate or other personal identification  
 120 document.

121 (b) The provisions of subsection (a) of this section shall not apply if  
 122 the sole purpose of the alteration of the license, registration, certificate  
 123 or other personal identification document is to obtain goods or services  
 124 unavailable to such person because of such person's age.

125 (c) Personal identification fraud is a class A misdemeanor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2006</i>	53a-129a(a)
Sec. 2	<i>July 1, 2006</i>	53a-130
Sec. 3	<i>July 1, 2006</i>	54-93a
Sec. 4	<i>July 1, 2006</i>	54-1d(c)
Sec. 5	<i>July 1, 2006</i>	54-36h(a)
Sec. 6	<i>July 1, 2006</i>	New section
Sec. 7	<i>July 1, 2006</i>	New section

Sec. 8	<i>July 1, 2006</i>	New section
Sec. 9	<i>July 1, 2006</i>	New section
Sec. 10	<i>July 1, 2006</i>	New section
Sec. 11	<i>July 1, 2006</i>	New section

***JUD***      *Joint Favorable*